

SENATE BILL 3216  
By Atchley

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 13, relative to the Tennessee Public Charter Schools Act of 2002.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-13-102(a), is amended by deleting subdivisions (1) and (2), and substituting the following:

(1) Improve learning for all students and close the achievement gap between high and low performing students;

(2) Provide options for parents to meet educational needs of students.

SECTION 2. Tennessee Code Annotated, Section 49-13-102(c), is amended by deleting the words "low performing" and substituting the word "make" for the word "meet" before "adequate yearly progress" and is further amended by adding before the period at the end of the subsection, the words and punctuation:

, to provide educational options to students who are or will attend such a school, and to provide at risk students with education opportunities

SECTION 3. Tennessee Code Annotated, Section 49-13-102(d), is amended by deleting the subsection in its entirety and renumbering the remaining subsections accordingly.

SECTION 4. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (7) and substituting the following:

(7) "Sponsor" means any individual, group, or other organization filing an application in support of the establishment of a public charter school, provided, however, that a sponsor cannot be a church, a for-profit entity, a private school, or a religious or church school.

SECTION 5. Tennessee Code Annotated, Section 49-13-104, is further amended by adding the following new subdivisions:

( ) "Area in which the public charter school will focus" means a geographic area around the charter school, the residents of which will receive a preference for enrolling in the school provided such preferences conform to policies and guidelines established by the state board of education;

( ) "Eligible pupil" means a student who is eligible to attend public schools in the state of Tennessee;

( ) "Eligible public school" means any school operated by a local board of education;

SECTION 6. Tennessee Code Annotated, Section 49-13-105, is amended by deleting subsection (b) in its entirety and substituting the following:

(b) Except as expressly provided in this chapter, charter schools shall be exempt from all rules and regulations relating to schools, governing boards, and school districts. Charter schools may apply to the state commissioner of education for a waiver of any statute that inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement.

(c) Charter schools shall comply with all school-related regulatory or statutory requirements pertaining to:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability;

(11) Open meetings; and

(12) Minimum equivalent time of instruction.

SECTION 7. Tennessee Code Annotated, Section 49-13-106, is amended by deleting the first two (2) lines of subsection (a) and all of subdivision (a)(1), and substituting the following:

(a) This subsection deals solely with the general purposes for which a public charter school may be created. Enrollment in public charter schools created pursuant to this chapter shall be conducted pursuant to the provisions of § 49-13-113. Public charter schools created pursuant to this section shall make a good faith effort to focus their marketing efforts and student recruitment efforts on attracting the type of students the school is created to serve. Public charter schools may be formed to:

(1) Provide alternatives for students who:

(A) Were, either in the year of application to a charter school or in the year prior to that, enrolled in a school failing to make adequate yearly progress, as defined by the state's accountability system;

(B) Are failing to make adequate yearly progress, as defined by the state's accountability system;

(C) Are eligible for free or reduced price school lunch programs;

(D) Are eligible to receive special education services pursuant to state guidelines or supplemental educational services as a result of an English language learner/English as a second language designation; or

(E) Are categorized as "high-risk" or "drop out." For purposes of this subsection, a "high risk" student is one who: is at least one (1) year behind in satisfactory completion of course work or obtaining credits for graduation; pregnant or a parent; homeless or has been homeless sometime within the preceding six (6) months; or has limited English proficiency. "Drop out" shall be defined by the department of education.

SECTION 8. Tennessee Code Annotated, Section 49-13-106(a)(2), is amended by deleting all words and punctuation before the words "local school systems" and substituting the

word “Provide”, and is further amended by deleting the language after the second comma in the second sentence, including subsections (A), (B), and (C), and substituting the following words and punctuation:

shall meet at least one (1) of the criteria set forth in (a)(1) of this section. Public charter schools applications made pursuant to this section must be based on an agreement with the LEA and are not subject to appeal to the state board of education.

SECTION 9. Tennessee Code Annotated, Section 49-13-106(b)(1), is amended by deleting subsection (C) in its entirety.

SECTION 10. Tennessee Code Annotated, Section 49-13-108, is amended by deleting the first three lines thereof.

SECTION 11. Tennessee Code Annotated, Section 49-13-112, is amended by adding the following new subsection:

(e) Local school districts shall make empty or underutilized space available to charter schools free of rent.

SECTION 12. Tennessee Code Annotated, Section 49-13-113, is amended by deleting the section in its entirety and substituting the following:

(a) Participation in a public charter school shall be based on parental choice, or the choice of a student's legal guardian or custodian.

(b)

(1) A charter school shall enroll an eligible student who meets one (1) or more of the criteria set forth in 49-13-106(a)(1) and who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.

(2)

(A) If applications exceed the planned capacity of the public charter school, enrollment preferences shall apply in the following order:

(i) For an existing public school that converts to charter school status pursuant to § 49-13-106(b)(2), enrollment preference shall be given to students in attendance at such school

during the academic year in which the school is authorized to convert to charter school status by the chartering authority;

(ii) For a charter school created pursuant to § 49-13-106(a), enrollment preferences shall be given to students who are in the category or categories of students the school was created to serve;

(iii) Enrollment preference shall be given to students attending public schools within the LEA in which the public charter school is located, if those students would otherwise be included in the primary recruitment zone of the public charter school;

(iv) Enrollment preference shall be given to students residing within the LEA in which the public charter school is located, but who are not enrolled in public schools, if those students would otherwise be included in the primary recruitment zone of the public charter school;

(v) Students residing within the LEA in which the public charter school is located who reside outside of the primary recruitment zone of the public charter school;

(vi) Students residing outside the LEA in which the public charter school is located.

(B) If enrollment within a group of preference set out in subdivision (b)(2)(A)(ii) exceeds the planned capacity of the school, enrollment within that group shall be determined on the basis of a lottery. If enrollment within a group of preference set out in subdivision (b)(2)(A)(ii) does not exceed the planned capacity of the school, all students who meet the criteria set out in § 49-13-106(a) and who submitted a timely and complete application shall be given the opportunity to enroll at the charter school.

(C) In the event space becomes available following the completion of the initial enrollment, the charter school shall conduct admissions for any such open space according to the procedures set forth in this section.

(D) Once an eligible student has met the requirements for enrollment and is actually enrolled in a charter school, a student's continued participation in that school shall be based on parental choice or the choice of the student's legal guardian or custodian regardless of subsequent changes in the student's eligibility status.

(c) Subject to the requirements of subsections (a) and (b), preference may be afforded to the siblings of a pupil who is already enrolled. In addition, preference may be afforded to children of a teacher, sponsor, or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less.

(d) Charter schools created under this chapter may, but shall not be required to, establish a geographic area around the school, the residents of which will receive a preference for enrolling in the school. Such a geographic area is referred to in this chapter as the "primary recruitment zone".

(e) In marketing the charter school to prospective students, a public charter school shall act in good faith to ensure that any such marketing efforts undertaken by the school are designed to target and attract students who are in the category or categories of students the school was created to serve.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it